1 2 3 4 5	Benjamin C. Deming (State Bar No. 233687) bdeming@rutan.com Hani Z. Sayed (State Bar No. 224233) hsayed@rutan.com RUTAN & TUCKER, LLP 611 Anton Boulevard, Suite 1400 Costa Mesa, California 92626-1931 Telephone: 714-641-5100 Facsimile: 714-546-9035		
6 7	Attorneys for Plaintiff NIAGARA BOTTLING, LLC		
8	UNITED STATES DISTRICT COURT		
9	CENTRAL DISTRICT OF CALIFORNIA		
10			
11	NIAGARA BOTTLING, LLC, a Delaware limited liability company,	Case No. 5:17-cv-01688	
12	Plaintiff/Counterclaim	NIAGARA BOTTLING, LLC'S ANSWER TO COUNTERCLAIMS	
13	Defendant,	DEMAND FOR JURY TRIAL	
14	vs. ALKA PRODUCTS, INC., a California		
15	Corporation,	Date Action Filed: August 21, 2017 Trial Date:	
16	Defendant/Counterclaim Plaintiff.		
17			
18	Plaintiff/Counterclaim Defendant NIAGARA BOTTLING, LLC ("Niagara")		
19	answers Defendant/Counterclaim Plaintiff ALKA PRODUCTS, INC. ("Alka		
20	Products") Counterclaims as follows:		
21	ANSWER TO COUNTERCLAIMS		
22	25. This paragraph does not contain allegations and as such Niagara		
23	believes that no response is required to this paragraph. To the extent an answer is		
24	required, Niagara denies the allegations in this paragraph.		
25	THE PARTIES		
26	26. Admit.		
27	27. Admit.		
28			
I D			

Rutan & Tucker, LLP attorneys at law

1		JURISDICTION AND VENUE	
2	28.	Admit.	
3	29.	Admit.	
4	30.	Admit.	
5		GENERAL ALLEGATIONS	
6	31.	Niagara is without knowledge or information sufficient to form a belief	
7	as to the allegations set forth in paragraph 31, and therefore denies them.		
8	32.	Niagara admits that Alka Products markets its drinking water under the	
9	brand Alka Power. Niagara admits that Alka Products advertises the Alka Power		
10	products as having a pH in the range of 9-10. Niagara is without knowledge or		
11	information sufficient to form a belief as to the remainder of the allegations set forth		
12	in paragraph 32, and therefore denies them.		
13	33.	Admit.	
14	34.	Denied.	
15	35.	Admit.	
16		FIRST COUNTERCLAIM	
17	(Declara	ntory Judgment of Non-Infringement of U.S. Patent No. 6,572,902)	
18	36.	Niagara incorporates its responses to the above paragraphs herein by	
19	reference.		
20	37.	Admit.	
21	38.	Denied.	
22	39.	Denied.	
23	40.	Denied.	
24	//		
25	//		
26	//		
27	//		
28	//		
and on	l		

1	PRAYER FOR RELIEF		
2	WHEREFORE, Niagara denies the allegations of Alka Products' Prayer For		
3	Relief and denies that Alka Products is entitled to any relief whatsoever and requests		
4	that the Court deny Alka Products' Prayer for Relief in all respects.		
5			
6	Dated: December 21, 2017	RUTAN & TUCKER, LLP BENJAMIN DEMING	
7		HANI SAYED	
8		Pro /s/ Ranjamin C. Damina	
9		By: /s/Benjamin C. Deming Benjamin C. Deming Attorneys for Plaintiff NIAGARA	
10		BOTTLING, LLC.	
11			
12	DEMAND FOR JURY TRIAL Plaintiff NIAGARA BOTTLING, LLC demands a jury trial on all issues		
13			
14			
15	triable to a jury in this matter.		
16	Dated: December 21, 2017	RUTAN & TUCKER, LLP	
17	Batea. Becomeer 21, 2017	BENJAMIN DEMING HANI SAYED	
18			
19		By: /s/ Benjamin C. Deming Renjamin C. Deming	
20		By: <u>/s/ Benjamin C. Deming</u> Benjamin C. Deming Attorneys for Plaintiff NIAGARA BOTTLING, LLC.	
21		Borren (G, EEC.	
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